

by the fence he said something, and I said:

"After recovering myself in the orchard a little I started for the house of Robert Guthridge. Guthridge worked for David H. Griffiths and lived on Griffiths' plantation, but not in Griffiths' house. Guthridge had no weapons at all and I only had one cartridge in my revolver. I do not remember firing but I remember the place of the five cartridges in the pistol all but one had been discharged.

"With Guthridge I went to Mr. Griffiths. He had a Winchester rifle, but only one shot up in hunting. We got lanterns, and with the Winchester and my revolver went back to the house. As we approached the porch Mr. Griffiths called out: 'Who's there?' We heard a murmur of voices from inside the house but could not determine what was said. As we came in the door Mr. Griffiths called out: 'Who's there?' 'Oh, Dave! Oh, Dave!' Then I said to Stiff: 'Was this a practical joke?'

"Yes, it was," he replied. "I was lying on the floor by his side with my feet toward the door. By his side was Griffin lying on his face. Griffin had crawled in from the porch when he fell when I was shot and had been trying to give Stiff some whiskey and to help him. Mr. Griffiths said to Stiff: 'Do you mean to say that you intended this for a joke?'

"No, we didn't," Stiff replied. "I don't care to say what we intended it for."

"We took Stiff and put him on my bed. Then we went out after that to the fence where we found Taylor standing. We carried the body to an outbuilding I used as an office and laid it out there."

"Then we went Guthridge for Dr. Stewart at Stratford, twelve miles away, where Gen. Robert R. Lee was born. The nearest doctor was Dr. Washington, five miles away, but Dr. Washington is over 80 years old and does not know night medicine."

"I thought I could get him to come and I went after him and did get him."

"Meanwhile Mr. Willard Raitt, a young man from Maine who was living down there for his health, had come to the house. He had heard the shooting. I wanted to go to Mr. Griffiths' house, but he said: 'Stay right there in the house.' So I stayed in the house and Raitt stayed with me. We sat up all night. At 7 o'clock I went to Mr. Griffiths' and he said to me: 'Herbert, there is an awful feeling here against you. You stay right here in the house. I will stay with you. The constable with ten deputies heavily armed came and took me to the house. The inquest was held in my room, but before then Dr. Stiff had been taken away by boat to the Emergency Hospital in Washington."

"The inquest began at noon and ended about 4 o'clock. There were ten men on the jury and they were unanimous in exonerating me, although one of them was father of one of the men who attacked my house. He and I were both in the house."

"As soon as the inquest was over I started for Lee's town, on the Rappahannock, by wagon seven miles. Raitt and Guthridge accompanied me. They were all heavily armed. The steamer Northumberland that I was to take was three hours late and I was very nervous. My brother and I went on to Washington."

"It was by mere chance that my brother met me. He and Mr. Blount had been to the jury and they heard the trouble. When they got to Fredericksburg they heard that the Northumberland was in and that I was on board. They found me and my brother and we all went to a hotel where we stayed all day talking the matter over and I started at night for Washington."

"There were two reasons why I went to Washington. One was because I wanted to see Congressman W. A. Jones, who represents the Westmoreland district, and consult with him. The other was because I was within reach so that my brother and Mr. Blount could communicate with me, and that I could go to Westmoreland if needed. However, my brother and I communicated, however, was by telephone, and the telephone was in the store of Mr. Stiff, father of one of the men shot. So they did not know I was talking with me very much in that way."

"I cannot doubt those men came either to kill me or do me great bodily harm. Now where were the bodies of Taylor and the two carriages in which they had come out. The horses were hitched and blanketed. In the buggy were found a bag filled with rags saturated with kerosene, a twenty-foot hemp rope and a long blacksnake whip."

"I am sure that if one of those men had called out so that I recognized them that I would have been a dead man, for I never would have fired a shot. I regarded them as my friends. They were sitting in the car with Taylor only a short time before and there was not a word or a look to lead me to infer that they had any grudge against me. On Thursday night I was at a dance at Oak Hill and I was there. There is a young lady there to whom I have been paying a good deal of attention and with whom I think I am in love. She was at the party and I asked her to take a walk with me down to the Post Office to get the late mail. She agreed, but she was a good while getting ready and finally I took her to the Post Office. You come! I guess I can get a girl to take a walk with me."

"There is a mere child of about 15 whom I have known since she was a baby. She joked and romped a little on the way to the Post Office, and I am utterly at a loss to know how the story that I defended her started, unless it may have been by the negro preacher, John Bird, who is a mischief-maker and gossip and general bad lot in the neighborhood."

"On Monday night before the attack a somewhat mysterious thing happened, which may or may not have had something to do with what followed. The night after I had gone to bed somebody came to the house and knocked and asked how far it was to Oak Hill. I got up and told him as far as I could. He said he was a friend of mine and he was on his way to Oak Hill. I told him I would not let me see his face, and I let the dog on him and chased him out of the yard."

**YESTERDAY'S MUSIC.**  
Second Popular Concert at the Metropolitan Opera House.

A large audience assembled in the Metropolitan Opera House last night at the popular Sunday night concert. An orchestra conducted by Mr. Fauré performed the concert. The solo parts were filled by Katharine Packer, Jean Gerardy and Josef Hofmann. It was evident that sufficient rehearsal had not been held and despite Mr. Fauré's almost painful efforts, the achieved results were meagre and unsatisfactory.

With the Tchaikovsky "Mardi Slave" for this concert a fatal work of the concert began. The concert began with a greater amount of time than last night, but the work was not so good as last night. The work was not so good as last night.

Josef Hofmann did not raise the spirit of the affair by the playing of a "Mardi Slave" concerto the one in E minor. Mrs. Fauré's concert began with a greater amount of time than last night, but the work was not so good as last night.

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## O'DELL WRITES TO MERRILL.

A "PRETTY HOT" LETTER ABOUT MCCARTHY'S CONVICTION.

District Attorney of Queens Asks for Time in Which to Frame a Reply to Allegation Made in Affidavit Sent to the Governor—Goddard Not Back of Them.

THE SUN was informed last night that District Attorney John B. Merrill of Queens county has been called upon to explain some of his activities in getting Patrick McCarthy convicted of keeping a disorderly house in Long Island City. District Attorney Merrill acknowledged last night that he had received a letter from Gov. Odell, saying that in possession of certain affidavits purporting to show that Merrill had been unduly active in the prosecution of McCarthy and asking for an explanation.

Mr. Merrill said that he had written in reply to Gov. Odell asking for time in which to frame a reply. He also said he intended making a full reply, giving all the facts of the case from start to finish, and that he understood that the affidavits were to be withdrawn. A man who saw the letter from Gov. Odell described it as being "pretty hot."

According to District Attorney Merrill, Gov. Odell's letter was written after the conviction of McCarthy. McCarthy has already been put in the Kings County Jail, awaiting transfer from that institution to the Kings County Penitentiary, where he must serve out the year prescribed by his sentence.

One of McCarthy's friends who first told the story of Gov. Odell's letter to a reporter from THE SUN said that the affidavits against McCarthy had been presented to the Governor by Capt. P. Norton Goddard. Capt. Goddard denied this story.

He said last night that he had not sent any affidavits to the Governor. He said that he had practically known nothing about the case. Capt. Goddard said that about a year ago a distant relative of McCarthy's came to him and told him that McCarthy had been sentenced in either Kings or Queens county, he didn't remember which, and had a particular desire to serve his sentence in prison in one of those counties, but not the one he had been convicted in. When he learned the nature of the case, Capt. Goddard said he refused to have anything to do with it.

I remember that the man who came to me had some affidavits from the inmates of McCarthy's house," said Capt. Goddard, "but I refused to look at them, knowing their value. I do not even know District Attorney Merrill and have no interest in him at all."

According to the friends of McCarthy, the man who tried to get Capt. Goddard interested in behalf of McCarthy was William J. Whitaker, Alderman-elect from Capt. Goddard's district. Mr. Whitaker, said last night.

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## BOER COMMANDANTS MEET.

Reported to Have Called On De Wet and Steyn for Fulfillment of Promises.

Special Cable Dispatch to THE SUN.

BLOEMFONTEIN, Dec. 8.—Gen. De Wet is reported to be at the Vecht Kop Farm, twelve miles from Heilbron. It is stated that a large commando is with him. It is also said that a meeting of Boer Commandants was held yesterday, among those attending being Gens. De Wet, Steyn, Ross, Mentjes and Botha. Some Boer women on a farm, when questioned by Gen. Rimington, said the meeting was held between Lindley and Botha. They added that the burghers intended to ask Steyn and De Wet for information in reference to intervention, and also as to the chances of Boer success. They further intended to ask when the many promises made by the leaders were going to be carried out.

While Gen. Rimington was in the Lindley district his outposts were sniped by some of De Wet's commando. On Monday night, the Boers moved toward Heilbron and captured thirteen of Mentjes's commando.

The Boer forces are operating in small bodies in the country surrounding Bloemfontein.

**MANILA WITHOUT REPORTS.**  
Southern Islands and Luzon Ports Cut Off by Damage to Cable and Telegraph.

Special Cable Dispatch to THE SUN.

MANILA, Dec. 8.—Owing to a broken cable, which prevents the receipt of news from the southern archipelago, and the destruction of the telegraph lines in Luzon by storms, the reports of military operations last week were unusually scarce.

One of McCarthy's friends who first told the story of Gov. Odell's letter to a reporter from THE SUN said that the affidavits against McCarthy had been presented to the Governor by Capt. P. Norton Goddard. Capt. Goddard denied this story.

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